

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA ex rel.
FREDERIC P. ZOTOS, and,

COMMONWEALTH OF
MASSACHUSETTS, ex rel.
FREDERIC P. ZOTOS,

Plaintiffs,

v.

TOWN OF HINGHAM, Massachusetts,

ROGER FERNANDEZ, individually and as
former Town Engineer, Town of Hingham,

TOM MAYO, individually, and as Town
Administrator, Town of Hingham,

TED C. ALEXIADES, individually, and as
former Town Administrator, former Town
Accountant/Finance Director, Town of
Hingham,

KEVIN PAICOS, individually, and as former
Town Administrator, Town of Hingham,

SUSAN NICKERSON, individually, and as
Town Accountant, Town of Hingham,

Defendants.

CIVIL ACTION NO.
1:19-CV-12002-NMG

DEFENDANTS' ASSENTED TO
MOTION TO FILE OVERSIZED MEMORANDUM

NOW COME the Defendants the Town of Hingham, Roger Fernandez, Tom Mayo, Ted C. Alexiades, Kevin Paicos, and Susan Nickerson (collectively, the “Defendants”) and hereby respectfully request leave of court to file an oversized memorandum consisting of 27 pages. As grounds therefore, the Defendants state that the Plaintiff has filed four prior civil actions against

the Town of Hingham involving related subject matter, three of which included appeals to the appellate level courts. Additionally, the Plaintiff prosecuted a Chapter 90 civil motor vehicle infraction appeal through the Massachusetts Trial Court system and up through to filing a petition for further appellate review before the Supreme Judicial Court. The Defendants endeavored to submit as succinct a brief as possible while also summarizing the claims and decisions rendered in the Plaintiff's prior cases for the convenience of the Court's review of that earlier litigation, which bears directly upon the Defendants arguments in support of their motion to dismiss.

The Plaintiff *assents* to this request.

The Defendants' *Memorandum in Support of Defendants' Joint Motion to Dismiss* is attached hereto as Exhibit A.

WHEREFORE, Defendants the Town of Hingham, Roger Fernandez, Tom Mayo, Ted C. Alexiades, Kevin Paicos, and Susan Nickerson, respectfully request that this Honorable Court allow the Defendants to file an oversized memorandum of law consisting of a total of twenty-seven pages.

DEFENDANTS TOWN OF HINGHAM,
MASSACHUSETTS, TOM MAYO, and
SUSAN NICKERSON
By their attorney:

/s/ Kerry T. Ryan
Kerry T. Ryan, BBO # 632615
Bogle, DeAscentis & Coughlin, P.C.
25 Foster Street, 1st Floor
Quincy, MA 02169
Phone: 617-845-5473
Fax: 617-481-4277
ktr@b-dlaw.com

DEFENDANTS ROGER FERNANDES,
TED C. ALEXIADES, and KEVIN PAICOS
By their attorney:

/s/ Joseph A. Padolsky
Douglas I. Louison, BBO # 545191
dlouison@lccplaw.com
Joseph A. Padolsky, BBO # 679725
jpadolsky@lccplaw.com
Louison, Costello, Condon & Pfaff, LLP
101 Summer St.
Boston, MA 02110
(617) 439-0305

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)2

Pursuant to Local Rule 7.1(A)(2), counsel for the Defendants, Town of Hingham, Roger Fernandez, Tom Mayo, Ted C. Alexiades, Kevin Paicos, and Susan Nickerson, certify that they have conferred with counsel Frederic P. Zotos by email and Plaintiff has assented to this request.

/s/ Joseph A. Padolsky

Joseph A. Padolsky

CERTIFICATE OF SERVICE

I, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants as listed below:

/s/ Joseph A. Padolsky

Joseph A. Padolsky

Dated: September 9, 2022